

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) ANNA LINDSTROM,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-CV-397-FHS
)	
(1) USAA CASUALTY INSURANCE)	
COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

The Petitioner, USAA Casualty Insurance Company (“USAA”), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Cherokee County, entitled *Anna Lindstrom v. USAA Casualty Insurance Company*, CJ-2016-120. USAA was served Summons and Petition via the Oklahoma Insurance Department on August 19, 2016. A copy of Plaintiff’s Petition setting forth her claims for relief upon which the action is based is attached hereto and marked Exhibit 1. A copy of the Summons served upon USAA is attached hereto and marked Exhibit 2.

2. USAA is a Texas corporation with its principal place of business is in the State of Texas. The Plaintiff, Anna Lindstrom, is a resident and citizen of Cherokee County, State of Oklahoma. (Petition, ¶ 2, Exhibit 1). Plaintiff’s cause of action is for alleged breach of the implied duty of good faith and fair dealing. The matter in controversy between Plaintiff and USAA, according to Plaintiff’s demand, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and costs. (*See* Plaintiff’s Petition, p. 3, ¶ 2, Exhibit 1).

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332

(1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiff's demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by USAA pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after August 19, 2016, the date USAA was served with a copy of Plaintiff's Petition, which was the initial pleading setting forth the claim for relief upon which this action is based. (*See* Summons and Petition, Exhibits 1 and 2).

5. Copies of all process, pleadings, and Orders served upon Defendant, USAA, have been attached hereto as Exhibits 1 and 2. USAA's Special Appearance and Request for Enlargement of Time to Further Answer or Plead is attached hereto as Exhibit 3. Pursuant to LCvR 81.2, a copy of the state court docket sheet is attached as Exhibit 4.

WHEREFORE, Defendant, USAA, prays that this action be removed.

Dated this 14th day of September, 2016.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & FIASCO**

A PROFESSIONAL CORPORATION

/s/ John S. Gladd

John S. Gladd, OBA #12307

Micah J. Petersen, OBA #32100

525 South Main Street, Suite 1500

Tulsa, Oklahoma 74103-4524

Telephone: (918) 582-8877

Facsimile: (918) 585-8096

*Attorneys for Defendant USAA Casualty Insurance
Company*

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Brian R. Berry
BERRY & OTTERSON
2230 East 49th Street, Suite A
Tulsa, Oklahoma 74105
Attorney for Plaintiff

/s/ John S. Gladd